

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,

v.
Plaintiff,

No. 14-mj-2041-01-DPR

DYLAN WADE GARCIA

Defendant.

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Tammy Dickinson, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. §§ 3142 (e)(3)(A), (e)(3)(B), (f)(1)(D), (f)(2)(A) and (f)(2)(B). At this hearing the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

Supporting Suggestions

1. Title 18, United States Code, Section 3142(f)(1)(A) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is one that involves a crime of violence as defined in Title 18, United States Code, Section 3156(a)(4)(C), which includes the offense of traveling in interstate commerce for the purpose of engaging in any illicit sexual conduct with another in violation of Title 18, United States Code, Chapter 117, Section 2423(b).

2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:

- a. When there is a serious risk that the defendant will flee; or,
- b. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." *See 18 U.S.C. § 3142(f)(2)(A) and (B).*

3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves traveling in interstate commerce for the purpose of engaging in any illicit sexual conduct with another in violation of Title 18, United States Code, Section 2423(b). *See 18 U.S.C. § 3142(f)(1)(A).* Further, there is a serious risk that the defendant will flee and that the defendant's release will present a substantial risk to the community. *See 18 U.S.C. § 3142(f)(2)(A) and (B).*

4. The crimes alleged in the criminal complaint require the Court to consider a rebuttable presumption that no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. *18 U.S.C. § 3142(e)(3)(A).*

5. Moreover, the nature and circumstances of the charged offenses, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.

6. The government is aware of the following evidence:

a. In relation to the nature and circumstances of the offenses charged, the defendant is charged by criminal complaint with the traveling in interstate commerce for the purpose of engaging in any illicit sexual conduct with another in violation of Title 18, United States Code, Section 2423(b), where the defendant has admitted to traveling from Tennessee to Missouri to engage in sexual conduct with a sixteen-year-old minor. The affidavit in support of the criminal complaint outlines the nature and circumstances of that offense. *18 U.S.C. § 3142(g)(1)*.

b. In relation to the weight of the evidence supporting the charges in the instant criminal complaint, the affidavit in support of the complaint outlines overwhelming evidence of the charged violation. The defendant has admitted the offense and that admission is corroborated by the evidence seized during the investigation. *18 U.S.C. § 3142(g)(2)*.

7. Furthermore, the defendant is not a resident of Missouri and has no significant ties to this area.

WHEREFORE, the United States requests a pretrial detention hearing and that Defendant be detained pending trial.

Respectfully submitted,

Tammy Dickinson
United States Attorney

By /s/ *Ami Harshad Miller*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on July 2, 2014, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Ami Harshad Miller

Ami Harshad Miller

Assistant United States Attorney